

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LOVELL RAPHAEL SMITH,

Plaintiff,

vs

Case No: 11-14429

Honorable Victoria A. Roberts

COMMISSION OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE**

On September 14, 2012, Magistrate Judge Whalen submitted a Report and Recommendation (Doc. #13), recommending that the Court deny Defendant's Motion for Summary Judgment (Doc. #11), grant Plaintiff's Motion for Summary Judgment and Remand the case to the administrative law judge ("ALJ") for further proceedings. (Doc. #9). The Court has considered the Report and Recommendation, the objections filed by Defendant (Doc. #16) and reply to the objections filed by Plaintiff (Doc. #17).

The Court **ADOPTS** the Report and Recommendation, **DENIES** Defendant's Motion for Summary Judgment and **GRANTS** Plaintiff's Motion for Summary Judgment. This matter is Remanded to the ALJ for further proceedings consistent with the Report and Recommendation.

IT IS SO ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: 10/16/2012